

### **Category #3**

The Guidelines should consider 3<sup>rd</sup> Party Certification and Self-certification process for adding cleaning products to the list of OGS Approved Products. [22 comments received]

#### **State Response:**

In recognition of concerns about the third-party certification costs for small companies who feel their products meet or exceed Green Seal, Ecologo, or Carpet and Rug Institute (CRI) Seal of Approval/Green Label Standard health and environmental requirements, OGS will continue to allow an alternative process for having products added to the OGS list of approved products. Manufacturers will be able to attest that products meet Green Seal, Ecologo, or Carpet and Rug Institute (CRI) Seal of Approval/Green Label Standard environmental health standards through the completion of an Affidavit (Appendix #1) by an independent testing laboratory. OGS shall refer to this process as "self-attestation." Potential limitations of self-attestation are mitigated by the benefits of allowing more companies to participate in our list of approved cleaning products. This will allow school districts and state agencies to have a number of choices to meet their cleaning needs and allows a wide range of vendors to participate in our procurement process. OGS will continue to evaluate the usefulness of the self-attestation option as the numbers of products with Green Seal and/or Ecologo certification continues to grow and the DfE product recognition program moves closer toward acceptance by New York (see Response to Category #2).

#### **Public Comment:**

Comment #1:

To whom it may concern,

I would like to formally object, on behalf of SafeWash Technologies, LLC, to the inclusion of a "self-certification" process as part of the proposed changes.

The current standard requires either EcoLogo or GreenSeal certification. As part of the certification process for either of these certifications, manufacturing facilities must submit to a comprehensive physical inspection and audit of their facilities, and a full review and audit of the company's quality control, procurement, raw material handling, and other operational procedures. Ecologo and GreenSeal also conduct ongoing audits to ensure continued compliance with these stringent standards. A self-certification, by contrast, would eliminate this crucial step for inclusion on the OGS Green Procurement list, thereby providing a venue for companies to circumvent this critical quality control process.

While adherence of the product to certain technical specifications (i.e., CCD-146) is important, it is not the only element required currently to obtain certification. Therefore, the changes, as proposed, represent a significant reduction in the quality standard currently in place. In addition, it represents unfair competition to companies who invested tens of thousands of dollars to comply with the existing certification process, since new companies could obtain the same certification merely by signing a piece of paper, without any verification of their compliance.

I urge the committee to uphold the high quality standards represented in the existing certification process, and avoid punishing those who have already invested substantial money and time in meeting it. Thank you in advance for your consideration.

Kind regards,  
Tom O'Neill  
Chief Executive Officer  
SafeWash Technologies

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Comment #2:

As the leading manufacturer and marketer of Proven Green cleaning products in North America; with products certified by both Green Seal and EcoLogo and some products being dual-certified; with products on the OGS list and used throughout the State for many years; and given the fact that all we have done for close to 20 years is Green (Pioneer/Leader/Specialist); we offer our comments to the proposed draft.

- 1) We strongly encourage NYS not to include 'Self Certification'. As per the EcoLogo Study, "7 Sins of Green Washing" with 98% of the products making false claims, it is negligent to assume that all manufacturers will be 100% truthful in their submissions. If an incident occurs with a self-certified product, the State would/should be held accountable.
- 2) If NYS must for some political reason include 'Self Certification', there should be the following inclusions:
  - a. For each and every criteria point of EcoLogo or Green Seal, the applicant must submit individual the lab reports that verifies the product meets or exceeds that criteria point.
  - b. The labs used must be government certified or industry recognized to conduct the test in question; and be 3<sup>rd</sup> party to the applicant.
  - c. For a breach, the applicant agrees to plead guilty to the offence and face any and all State and Federal penalties. In addition, be immediately fined a further penalty of 10% of their previous year's sales.

The excuse/reason of "cost to certify" is bogus. Once all the necessary tests are conducted to prove the product can meet the criteria have been completed – and these need to/should be done as per above for self-certification – the costs are likely to average \$1,000 to \$3,000 per product.

- 3) Do not exclude floor finishes, sealers, restorers and strippers. These products – possibly with the only exception being floor finishes - are proven to perform as well as traditional products and are cost competitive. To exclude all is wrong. If need be, only exclude floor finishes and not sealers, restorers, and strippers. EcoLogo and Green Seal criteria should be endorsed.

Regards,  
Mike Sawchuk,  
VP & GM,  
Enviro-Solution

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Comment #3:

We support the revised and consensus-driven, scientifically based GS 37. I was honored to serve on the GS 37 update Executive Committee (Nov 2006 – Sept 08). It was an intensive 22 month process which engaged some 399 stakeholders, and included an outside professional facilitator.

The decision-making process was prevention-oriented, that is, seeking product criteria and standards that clearly defined product leadership and that were sensitive to the health issues of high risk, special populations –such as children and custodians. At the same time, certified products must work effectively and be available in sufficient volume for market demand. The GS-37 Scope of Work was carefully defined from day one and accessible to the public and to all participants – the majority of whom were from industry; modifications of the Scope were undertaken with great deliberation; the volunteer Executive Committee worked over-time to ensure that the industry, schools, and environment and health groups were fully engaged at every level. Extensive resources were put into reaching consensus. Thus, I am also aware that a few representatives of the chemical industry who participated in every step of the GS 37 update are now objecting to the revised GS 37. They have claimed erroneously that it was not consensus-based-- when in fact the Scope of Work outlined how Green Seal would seek consensus and make decisions. And they have claimed that it was not science-driven -- when both industry and non-industry scientists worked together within the agreed upon Scope of Work to identify and to discuss relevant studies.

On September 25, 2008, immediately after Green Seal issued its revised GS-37 standard for institutional and industrial cleaning products, the New York State Chemical Alliance sent a letter to Green Seal complaining that the process was unfair – even though the vast majority of stakeholders that participated in the process were chemical companies. The letter was also sent on behalf of other chemical company trade associations and a few individual cleaning chemical manufacturers. The letter threatened to “oppose any efforts by Green Seal to have the final GS-37 Revised Standard adopted by any state or any other governmental agency.”

I mention this because we anticipate that the very industry groups whose representatives participated in GS 37 and that have opposed the use of GS 37 in other states both directly and indirectly by seeking multiple pathways to define green in pending legislation, will also urge major modifications to NYS OGS’s draft guidelines geared towards ensuring limited disclosure of ingredients, less independent review of product content and attributes, and weaker definitions of what is green.

We support NYS OGS standard.

Green Seal GS 41/EcoLogo CCD 104 (hand cleaners)

We support NYS OGS’ designations of revised GS 37, EcoLogo CCD 146 and CCD 148 as standards for products to be listed on the state purchasing list. We support NYS OGS standards for vacuum cleaner and on floor finishes. Green Seal and EcoLogo (Terra Choice) are highly reputable international eco-labelers with comprehensive science-driven leadership standards set in an open and transparent manner with many stakeholders. We are especially pleased that revised GS 37 has place new restrictions on phthalates and on asthmagens, defined in GS 37 as the AOEC list of asthmagens. We also strongly urge, as above, a modification of the “self certification” process to make it into an Independent Certification/Verification process that includes full disclosure of all ingredients.

We support a stronger more deliberate way for uncertified products to get onto the state purchasing list.

- The state must not use the term “self-certification” for this process or on its application forms.
  - The process being set up is an Independent Certification or Verification of a product, accomplished by filing a notarized “Affidavit of Compliance” that attaches laboratory or field tests documenting compliance with state standards. It is not ‘self-certification’.
- Because an essential feature of third-party certifiers is the onsite audit of ingredients up the manufacturing stream, and given that the state is unlikely to have the resources to audit filed Affidavits, we strongly urge the state require manufacturers using the Affidavit process to fully disclose all ingredients in the product by attaching the list of

ingredients to the Affidavit. By making the list of ingredients a matter of public record, the state will have more eyes to help the state decide if and when to review the filing in more detail.

Claire L. Barnett, Executive Director  
HEALTHY SCHOOLS NETWORK, INC.

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Comment #4:

Dear OGS,

I am writing to you regarding the new draft guidelines for green cleaning.

We support New York's continuing reliance on internationally recognized 3rd-party certifiers (Green Seal, Eco-Logo) to ensure that listed products are actually green and healthy.

We want New York to protect and improve its list of green cleaning products by:

Strengthening the verification of products not 3rd-party certified: when companies apply to have uncertified products listed by filing an Affidavit of Compliance, New York must require that they also FULLY DISCLOSE all ingredients in the product. The Affidavit is not 'self-certification'.

Sincerely,

Daniel Lefkowitz  
Yorktown Heights, NY 10598

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Comment # 5:

I use this list extensively to advise local organizations interested in green cleaning products.

I think it is absolutely necessary to make certain that all those products listed are vetted by an independent 3rd party, such as Green Seal or Eco Logo.

1. I support New York's continuing reliance on internationally recognized 3rd-party certifiers (Green Seal, Eco-Logo) to ensure that listed products are actually green and healthy.

2. I want New York to protect and improve its list of green cleaning products by: Strengthening the verification of products not 3rd-party certified: when companies apply to have uncertified products listed by filing an Affidavit of Compliance, New York must require that they also FULLY DISCLOSE all ingredients in the product. The Affidavit is not 'self-certification'.

Joseph A. Gardella, Jr., Ph.D.

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Comment #6:

In regards to your hand soap section, you are proposing EcoLogo or Green Seal certified soaps and lotions. I would ask that you consider adding language that allows uncertified soaps and lotions that do NOT contain antimicrobial or antibacterial agents. This is the exact language and 3<sup>rd</sup> option in LEED standards for certification (LEED for Existing Buildings: Operation & Maintenance IEQ Credit 3.3).

Having the state of NY mirror the accepted LEED standard would keep buildings working within LEED Guidelines also in compliance with NY Green Cleaning Guidelines.

Please feel free to contact me if you have any questions.

Mike Kapalko  
Sustainability Marketing Manager

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Comment #7:

If OGS incorporates by reference the DfE program, it will result in a general decrease in reliance on the alternative self-certification option set forth in the Draft Revision.

While ISSA supports the alternative self-certification option, we do realize that it is a resource intensive process that requires significant time, money and expertise to implement. Stated simply, reliance on the DfE program in addition to Green Seal and EcoLogo will significantly reduce the potential number of companies and products that seek qualification under the alternative self-certification option. This course of events will go a long way in conserving New York State's resources.

Bill Balek

Director of Legislative Affairs

ISSA

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Comment #8:

- **Guidelines and Process Development – Designation of Green Seal and EcoLogo**  
Massachusetts 100% supports NYS's designation of the GS-37 and EcoLogo CCD 146 and CCD 148 as the standards for products to be listed on the state purchasing list. As indicated above, MA made the same designation in the recent multi-state contract for many reasons, some of which include the following:
  - Both Green Seal and EcoLogo are internationally recognized reputable standard setting organizations that conduct their process in an open and transparent manner involving stakeholders from many levels and using science-based forward-thinking standards;
  - Criteria targeted within the standard is determined by the multi-stakeholder group and the thresholds for compliance are clearly identified for each;
  - The independent third-party certification process also saves purchasers the time and expense of having to review and analyze the products to determine the reliability of the claims;
  - In addition to the much needed assurance that the certification affords purchasers that the environmental claims are accurate, it also tests each product for performance and verifies the degree to which that the product will clean within the application for which it is intended;
  - The requirement of such independent certifications precludes states and contract managers from having to develop "a list" of acceptable products, which can prove onerous as new products are formulated and certified.

I understand the reason for NYS's inclusion of an alternative certification, or "self-certification" as it is referred to in the Guidelines, however, I would suggest that such option be renamed and the guidelines for compliance be more specifically defined. Instead of the term self-certification (which I think can be misleading), consider renaming to "Approval through Independent Laboratory Testing." In addition, be clear as to what the state considers an acceptable lab and the type of data that should be presented to obtain verification. Sample language may be: "Alternatively, Bidders may submit independent laboratory test results to demonstrate compliance with the criteria established in the two currently accepted standards. Such data may include test methods and protocols, full disclosure of ingredients, detailed test results and other

relevant data. Such laboratory testing must be conducted by an ASTM approved lab; a list of which can be found at [www.astm.org](http://www.astm.org).” In addition, reserving the right for the state or authorized body to conduct on-site inspections or audits would be wise to include.

**Marcia Deegler**

Director of Environmental Purchasing  
Operational Services Division  
One Ashburton Place, Room 1017

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Comment #9:

While Betco agrees in theory that self certification is a necessary and worthwhile component of this standard we are concerned that the State of New York may not have the resources to evaluate the documentation necessary to demonstrate compliance with Greenseal or Ecologo standards

Floor Finishes and Floor Strippers

Comment: Betco Corporation supports the issue of comparable or superior utility to more traditional cleaning products. We have received calls from end users within the state of NY indicating that some products that they are required to purchase under the current standard are often inferior to more traditional products found on the market.

Candice Rushton  
Regulatory Affairs Manager  
Betco Corporation

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Comment #10:

P&G appreciates the consideration given by OGS to self-certify to Green Seal or Ecologo standards. However, OGS should also consider a company’s internal criteria and expertise when evaluating products. Many companies employ individuals with environmental and human health and safety expertise. These experts are very capable in discerning the overall environmental impact of products and ingredients and, therefore, their professional judgment should be considered.

Sincerely,  
Martha R. Macy-Ruhe  
Product Safety & Regulatory Affairs  
P&G Household Care GBU  
The Procter & Gamble Company  
5299 Spring Grove Ave  
Cincinnati, OH

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Comment #11:

“Self-certification” as it is referred to in the Guidelines should be renamed and the guidelines for compliance be more specifically defined. Instead of the term self-certification (which I think can be misleading), consider renaming to “Approval through Independent Laboratory Testing.” In addition, be clear as to what the state considers an acceptable lab and the type of data that should be presented to obtain verification. Sample language may be: “Alternatively, Bidders may submit

independent laboratory test results to demonstrate compliance with the criteria established in the two currently accepted standards. Such data may include test methods and protocols, full disclosure of ingredients, detailed test results and other relevant data. Such laboratory testing must be conducted by an ASTM approved lab; a list of which can be found at [www.astm.org](http://www.astm.org).” In addition, reserving the right for the state or authorized body to conduct on-site inspections or audits would be wise to include.

Massachusetts Coalition for Occupational Safety and Health  
42 Charles St. Suite F, Dorchester MA 02122

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Comment # 12:

OGS Should Retain the Proposed Provision Regarding Self-Certification

CSPA supports the option of self-certification for products for which companies do not have third party certification. By permitting this option, OGS is not excluding the benefits of new technologies that may not fit into a prescribed certification system. CSPA strongly believes that procurement decisions should accommodate and encourage innovations that lead to environmental improvement. CSPA believes that a procurement process that allows self-certification is more open-ended and not restricted by an arbitrary standard. CSPA supports OGS’ inclusion of the self-certification option in addition to certification programs.

Beth L. Law  
Assistant General Counsel  
Vice President, International Affairs  
Consumer Specialty Products Association

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Comment #13:

Green Seal recommends that the “self certification” option be eliminated or strengthened. If this option is kept, it should also be referred to as “self attestation,” since “certification” connotes certain programmatic attributes. Over the past 20 years, it has been (and continues to be) Green Seal’s experience that manufacturers of products that contain chemicals (e.g., paints and cleaners) do not usually know all of the ingredients contained in their products. That is, there are often raw materials that are trade secrets or proprietary, such as fragrances, surfactants and polymers, and are not divulged by the raw material supplier to the product formulator/manufacturer. As a result, even the most well-intentioned manufacturer cannot with certainty state/attest that a product does not contain any ingredients prohibited by a particular Green Seal environmental standard or that the product composition does, in fact, meet all of the human health and environmental criteria based on incomplete information from the start. In addition, there are elements of certification by Green Seal that are not addressed via the “self certification” option. If the evaluation processes aren’t truly equivalent (e.g., if there is no manufacturing facility audit, process for monitoring ongoing compliance with the standard, the legal authority to suspend or revoke certification upon evidence of non-compliance with the standard, requirements for the company and manufacturing facility to have no violations of regulations, review of ancillary materials for FTC compliance, prohibition on uncertified environmental claims, etc.), there is a real potential for misrepresentation in claiming a product “meets” a Green Seal standard via someone other than Green Seal. The inclusion of the felony perjury penalty will not be a complete deterrent without a clear plan of verification (e.g., random audits of a statistically significant sample). Willfully reporting incorrect income tax is also a felonious offense, but it does occur even with the risk of being audited by the Internal Revenue Service. Without a more explicit process for auditing and sampling the products submitted under the “self certification” option, it is probable that some of

them will be products that do not meet the OGS requirements for approval. Given the availability of third-party certified products, New York's experience from July 2008 to the present with the suspension of the previous "meets the standard" option, and the likelihood that some of the "self certification" products will not actually meet the standard, the most precise approach may be to eliminate the "self certification" option.

The reference to EcoLogo's CCD-146 environmental standard should be clarified due to the pending revision. New York was recently part of a multi-state, multi-year cooperative procurement for janitorial products that also required products to be certified by either Green Seal or EcoLogo (FAC59, Request For Response on Green Cleaning Products, Programs, Equipment & Supplies, April 9, 2009). However, in light of the recent revision to Green Seal's GS-37 environmental standard (funded by NY OGS), EcoLogo's CCD-146 is no longer substantially similar. The EcoLogo standard is currently undergoing revision, and the multi-state cooperative procurement bid specified that products certified under CCD-146 would only be accepted for the first year of the multi-year contract if CCD-146 is not revised to be equal in environmental and human health protection to GS-37. Green Seal recommends similar language for the NY OGS approved products listing to ensure that products certified under CCD-146 achieve a similar level of human health and environmental protection for students, faculty and staff. A reference sample of the language used in the RFR follows:

*A. All Purpose / General Purpose Cleaners (including floor cleaner); Restroom Cleaners; Glass Cleaner GS37 (2008 and 2006\*) or CCD146 (2005\*)*

*\*GS37-2006 was recently updated in 2008 to prohibit asthmagens and address other criteria important to improved public health. It is understood that a 2009 revision of the CCD standard is also planned to address similar issues. For purposes of this RFR, both the GS37-2006 and the CCD146 standard will be accepted, but Bidders should be advised that certification with GS37-2008, or the revised CCD standard (assuming the Procurement Management Team determines that such a revision is equal to GS37-2008), will be required for all applicable products by no later than the first contract renewal.*

In conclusion, the implementation of the 2005 New York law by OGS that started with the 2006 Guidelines has been very successful. There is a wide range of third-party certified products from a diverse group of manufacturers that has allowed schools to find products that meet their needs on the approved products list. Subsequent to the 2005 New York law, at least seven other states have passed similar legislation pertaining to green cleaning in schools, and a majority of those also only permit certified products. Green Seal supports the continued reliance upon third-party certified products, with the comments noted above.

Sincerely,

Arthur B. Weissman, Ph.D., President & CEO

Green Seal, Inc.

1001 Connecticut Avenue, NW, Suite 827

Washington, D.C. 20036

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Comment 14:

Although it is now state law that schools must use certified Green Cleaning products, I understand that lobbying from the chemical industry (from companies making non-green/ less safe) cleaning products risks undoing the current legislation meant to protect school-aged children. These companies wish to contest 3rd-party green certification so as to prevent such products from claiming they are "green." This would so drastically reduce the number of green cleaning products on the market as to make it impossible for schools to choose anything but a toxic non-green product.



Please, for now, support all 3rd part certification on Green Cleaning products. It would be even better if NY State or some entity can pay for full certification and enforce full disclosure of ingredients--even the "inactive" ones as some are quite toxic, even in the greener products. In an ideal world only completely safe products would be used and all would have to meet the same standards but because no system is in place to do so, PLEASE support all green cleaning products that show 3rd party test results to determine green status. As they say, throwing out the baby with the bathwater to bend to chemical industry demands only hurts the children.

Thank you for considering this request,  
-Marcy Lynn, Brooklyn, NY

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Comment #15:

We applaud the State of New York's utilization of Green Seal's GS-37 within the Draft Guidelines for Green Cleaning, as this standard looks at numerous impacts that cleaning products can have on our environment. As some of the other standards focus on the chemical content of the product we have concerns that the State may not be directing their attention towards the volatile organic compound emissions that are off-gassing from these cleaning products. We would hope that the State of New York pays particular attention to the human health and indoor environmental quality impact that cleaning products can have on individuals that are not only working in the spaces being cleaned, but also on those that are applying the cleaning products.

The GREENGUARD Children & Schools certification program is the most stringent product emission certification program utilized in North America. The standard for certification can be seen here: <http://www.greenguard.org/Default.aspx?tabid=110> and the test methodology can be seen here: <http://www.greenguard.org/uploads/TechDocs/GGTm.P057.pdf>. This test methodology is utilized in GS-37 to help manufacturers' prove that their products are not emitting harmful levels of chemicals. While we recognize that the State of New York was looking for standards that look at multiple attributes within their cleaning standards, the impact upon human health and the quality of the air that they breath indoors should be given the utmost importance when dealing with criteria. We would ask that the GREENGUARD Children & Schools criteria be looked at as a way that cleaning products can prove that their emissions are acceptable for indoor use. You may want to require manufacturers that are certified to standards besides GS-37 also show their compliance with the GREENGUARD Children & Schools certification criteria. This would allow the state to be assured that the products that they were specifying would have as low as possible off-gassing of potentially harmful chemicals.

Thank you in advance for your time and energy. If you have any questions regarding these comments or the GREENGUARD Children & Schools criteria then please feel free to email or call me at any time. Have a great day and a wonderful holiday season.

Josh Jacobs, LEED AP  
Technical Information Manager  
GREENGUARD Environmental Institute  
Marietta, GA 30067

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Comment #16:

Adoption of the revised GS-37 standard (4th Ed. August 29, 2008 and 5th Ed. August 28, 2008)  
We understand the position OGS has taken to support the revised GS-37 standard, but it should be noted that this revision was not consensus-driven. It contains criteria that are not scientifically-

based where true environmental and human health and safety may be impacted. Further, this standard provides a much lower level of human and environmental safety than exposure and risk-based safety assessment widely used by industry to routinely assess the safety of products.

Exposure and risk-based assessment often considers many more endpoints including sorption, wastewater treatment removal, overall exposure (total volumes emitted to the environment and concentration at target sites), long-term toxicity, bioaccumulation, etc.

As with other similar Green Seal standards, GS-37 also provides a set of stagnant criteria that do not change in time, and ignores progress in technology and innovation. The revised standard can also be a hurdle to innovation, which may potentially lead to more effective cleaning products with real environmental improvements.

Sincerely,

Martha R. Macy-Ruhe

Product Safety & Regulatory Affairs

P&G Household Care GBU

The Procter & Gamble Company

5299 Spring Grove Ave

Cincinnati, OH

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Comment #17:

Georgia-Pacific respectfully suggests that there is a third ecolabelling standard that should be considered for the Hand Cleaners and Hand Soaps Approved Green Cleaning Products List, the EPA's own Design for the Environment (DfE) program, an independent, non-profit governmental organization that has no financial interest in the products that they certify or recommend, or in any manufacturer or company. Like the Green Seal and EcoLogo standards, EPA's DfE program is a standard with clearly defined criteria for the evaluation of ingredients to determine those of a green cleaning quality that are safer for children and protect the environment. If a product has a DfE logo, it means that each ingredient in the product has been evaluated for potential human health and environmental effects by experts using existing information on the toxicity of the ingredients, EPA predictive models, and global standards, like the United Nation's Globally Harmonized System (GHS). Products with the DfE logo are considered best in its class because ingredients are compared to other chemicals in the same class and only the safest products are approved to carry the DfE name. In addition, the DfE review goes an extra step as compared to other ecolabelling programs by focusing on reviews at the ingredient level and by reviewing how ingredients react when mixed together, to determine if there are any negative synergies between product components. The criteria for evaluating the ingredients includes using toxicological thresholds established by the United Nation's Globally Harmonized System (GHS) including respiratory sensitization and skin sensitization as well as employing environmental toxicity and fate criteria that is at a level comparable or superior to the criteria established in the Green Seal and EcoLogo standards.

In addition, EPA is proposing enhancements to the DfE program to introduce a system of product verification that will use independent third parties to verify compliance with the criteria and thus eliminate any potential or perceived conflict of interests between the standard setter and the verifier.

Finally including DfE as a third ecolabelling program would eliminate the need for some manufacturers to use the "Self Certification" criteria, which would make the process of reviewing the product easier, faster, and more cost effective for the State of New York to determine if the product meets the requirements. Creating another approved ecolabelling program would create more competition, which could potentially help reduce the cost of cleaning products for New York State schools, state agencies, and public authorities.

We respectfully request consideration of the addition of the DfE program as an approved EcoLogo program for the Hand Cleaners and Hand Soaps Approved Green Cleaning Products List.

Sincerely,  
Donna Sattler McRae  
Georgia-Pacific LLC  
133 Peachtree Street  
Atlanta, Georgia 30303

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Comment #18:

MassCOSH supports NYS's designation of the GS-37 and EcoLogo CCD 146 and CCD 148 as the standards for products to be listed on the state purchasing list. Massachusetts made the same designation in the recent multi-state contract in which MassCOSH participated. They include:

- Both Green Seal and EcoLogo are internationally recognized reputable standard setting organizations that conduct their process in an open and transparent manner involving stakeholders from many levels and using science-based forward-thinking standards;
- Criteria targeted within the standard is determined by the multi-stakeholder group and the thresholds for compliance are clearly identified for each;
- The independent third-party certification process also saves purchasers the time and expense of having to review and analyze the products to determine the reliability of the claims;
- It also tests each product for performance and verifies the degree to which that the product will clean within the application for which it is intended;
- The requirement of such independent certifications precludes states and contract managers from having to develop "a list" of acceptable products, which can prove onerous as new products are formulated and certified.

Massachusetts Coalition for Occupational Safety and Health  
42 Charles St. Suite F, Dorchester MA 02122

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Comment #19:

I am a school teacher in upstate New York with chemical sensitivities. My health and the health of the children in my room has been much improved since NY implemented its green cleaning mandate. It is not just cleaning substances, but also the wax used on the floors, etc. I request that you also limit the fragrances found in substances used in schools. While you have made a great start, there is still a way to go. Please do not go backwards on this issue because of pressure from large industry concerns. They do not really care about the health or future of our children and public servants who work in the school/public building environment. Show that you care about us and do not relax the 3<sup>rd</sup> party certification process. Otherwise it is just a case of the fox watching the hen house.

Sincerely,  
Priscilla Crawford

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Comment #20:

Based on EPA guidance, the pending California legislation uses the following criteria that eligible third-party certification programs will meet (see attached for more detail):

(1) Have an open, transparent, and public process for setting standards that involves key stakeholders.

- (2) Clearly defines the fees a manufacturer must pay for certification.
- (3) Clearly avoids conflicts of interest in the standard-setting and product-evaluation process.
- (4) Have the criteria and standards for certification published and publicly available and easily accessible to purchasers, manufacturers, and the general public, for example, through the program's Internet website, and includes a list of *certified* products that meet the standards.
- (5) Bases certification of the product and its packaging on criteria for reducing effects on human health and safety, ecological toxicity, other environmental impacts, and resource conservation, including, at a minimum, consideration of chemicals that cause cancer, mutagenic and reproductive harm, organ and nervous system damage, asthma, smog, ozone depletion, aquatic toxicity, bioaccumulation, and eutrophication.
- (6) Requires periodic revisions and updates of the standards to remain consistent with current research about the potential impacts of chemicals on human health and the environment.
- (7) Monitors and enforces the standards, provides for the authority to inspect the manufacturing facilities, and periodically does so.
- (8) Have a registered, legally protected certification mark.
- (9) If possible, is developed by consensus among key stakeholders.
- (10) Establishes a leadership level in standards for products.

Sincerely,  
Alicia Culver  
Executive Director  
Green Purchasing Institute

Deborah Moore  
Executive Director  
Green Schools Initiative

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Comment #21:

In regards to your hand soap section, you are proposing EcoLogo or Green Seal certified soaps and lotions. I would ask that you consider adding language that allows uncertified soaps and lotions that do NOT contain antimicrobial or antibacterial agents. This is the exact language and 3<sup>rd</sup> option in LEED standards for certification (LEED for Existing Buildings: Operation & Maintenance IEQ Credit 3.3).

Having the state of NY mirror the accepted LEED standard would keep buildings working within LEED Guidelines also in compliance with NY Green Cleaning Guidelines. Please feel free to contact me if you have any questions.

Mike Kapalko, Sustainability Marketing Manager  
SCA Tissue North America  
Neenah, WI 54956

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Comment #22:

Ensuring that current, environmentally sound and cost effective third-party certifications are included within the guidelines is crucial to establishing effective green cleaning programs throughout the state.

Alan France  
Director of Sustainability  
ABM Janitorial Services